

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

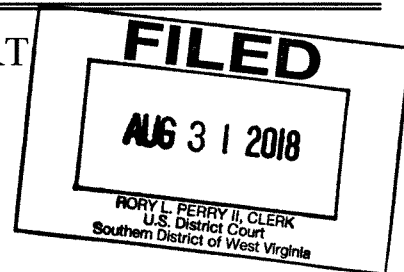
United States of America

v.

Nathan William Smith

Case No.

2:18-mj-00090



Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 29, 2018 in the county of Kanawha in the  
Southern District of West Virginia, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. Section 922(g)(1)

Felon in possession of a firearm

This criminal complaint is based on these facts:

See Attached affidavit of Cpl. Chris Lyons, Kanawha County Sheriff's Office

☒ Continued on the attached sheet.

Complainant's signature

Cpl. Chris Lyons, Kanawha County Sheriff's Office

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/31/2018

Judge's signature

City and state: Charleston, West Virginia

Dwane L. Tinsley, United States Magistrate Judge

Printed name and title

of suspected marijuana, two loaded semi-automatic pistols, and one FN PS90 5.7 x 28mm semi-automatic rifle.

7. Nida informed me that SMITH had several firearms scattered throughout the residence in different areas.

8. On August 29, 2018, at approximately 5:00 p.m. members of the Kanawha County Sheriff's Office and myself executed a search warrant at SMITH'S residence (1205 Patterson Drive, Elkview, Kanawha County), where SMITH is believe to reside with his father. During that search, we located two FN PS90 magazines loaded with 5.7 x 28mm ammunition. Those magazines are compatible with the FN PS90 recovered from SMITH'S vehicle on August 29, 2018.

9. The FN PS90 recovered from SMITH's vehicle on August 29, 2018 was manufactured outside of the state of West Virginia, and had travelled in and affected interstate commerce.

10. Smith was convicted of Possession With Intent – Marijuana (a felony punishable by more than one year in prison) in Putnam County, West Virginia on or about September 18, 2002, in Putnam County Case No. 02-F-36.

11. Based upon the above-stated information, probable cause exists that Nathan William SMITH committed a violation of Title 18, United States Code, Section 922(g)(1) on or about August 29, 2018, within the Southern District of West Virginia, by possessing an FN PS90 5.7 x 28mm semi-automatic rifle that had travelled in and affected interstate commerce.

WHEREFORE, the affiant requests the issuance of an arrest warrant for Nathan William Smith.